

APPROVED 4/15/10
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES OF THE
ZONING BOARD OF APPEALS

Meeting of the Zoning Board of Appeals held on Thursday, March 18, 2010 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:30 PM.

MEMBERS PRESENT:

Robert F. Hannon, Chairman
Caren M. Genovese, Vice Chairman
Donald F. Clark, Secretary
Joseph P. Villano
Mary Jane Mulligan, Alternate, sitting for Joseph A. Cappucci

MEMBERS ABSENT:

Joseph A. Cappucci
Robert E. Martin, Alternate
Cheryl A. Juniewicz, Alternate

TOWN PERSONNEL:

Alan A. Fredricksen, Land Use Administrator
Arthur Hausman, Zoning Enforcement Officer

OTHERS PRESENT:

Dee Rich, Public Stenographer
Sandi Lion, Clerk

AGENDA:

Mr. Hannon, Chairman, opened the meeting at 7:30 PM introduced the members of the Board, the Town staff, the stenographer and clerk. He then explained that under the Connecticut State Statutes for an appeal request to be approved, the applicant needs a minimum of four (4) Board members to concur. Mr. Hannon stated that application #09-15, 48 Giles Avenue, is postponed to the April 15, 2010 meeting.

PUBLIC HEARINGS:

1. #09-15 Application of Locust Realty Associates, LLC, Owner and Applicant, relative to 48 Giles Avenue, (Map 28, Lot 13), Appeal of a Cease & Desist Order of the Zoning Enforcement Officer. IG-80 Zoning District.

This application is postponed to the April 15, 2010 meeting.

Mr. Clark read the call for the first Public Hearing.

2. #10-04 Application of William L. Krinsky, Owner and Applicant, relative to 5 Norway Road, (Map 50, Lot 211) per Section 8.6.2.1, requesting a fence height variance of 3' to permit a 6' high fence in a front yard where 3' is permitted. R-20 Zoning District.

Mr. William Krinsky, owner, presented the application requesting a front yard fence height variance of 3' to permit a 6' high fence where 3' is required. He stated that the fence serves as a buffer from Dixwell Avenue. The Board asked questions and Mr. Krinsky responded.

Mr. Hannon asked for public comment.

Public comment:

1. Linda and Brian Harder, 8 Norway Road, spoke in favor of maintaining the fence.

There being no further public comment, the Public Hearing was closed.

Mr. Clark read the call for the second public hearing.

3. #10-05 Application of Locust Realty Associates, LLC, Owner and Applicant, relative to 48 Giles Avenue (Map 28, Lot 13), per Section 5.2.2, requesting a front yard variance of 35' to permit a 40' front yard setback where 75' is required. IG-80 Zoning District.

Attorney Michael Brandi of Cohen & Acampora presented the application to permit a 40' front yard setback where 75' is required. He then submitted a petition from neighbors in favor of the application, Exhibit A. Mr. Jerry Blank, neighbor, sent a letter in support of the variance request. The applicant is proposing to construct a 200' x 80' truck terminal with the garage openings located in the interior lot. This building will shield the neighborhood from this proposed trucking operation. The shape and configuration of the lot limits the site's buildable area. Mr. John Mancini of BL Companies in Meriden, further explained why they choose this area on the site for the proposed building. The Board asked questions and Attorney Brandi responded.

Mr. Hannon asked for public comment.

Public comment:

1. Mike Ruotolo, 8 Locust Avenue, spoke in favor of the application.
2. Pat Nuzzolillo, 7 Mansfield Road, spoke in favor of the application.
3. Ralph Notaro, 12 Locust Avenue, spoke in favor of the application.
4. Marcia Johnson, 47 Giles Avenue, is concerned with her home being damaged during construction. She asked about the timing of trucks entering the site and the use of the new building.

Attorney Brandi responded to the public comment.

There being no further public comment, the Public Hearing was closed.

Mr. Clark read the call for the third public hearing.

4. #10-06 Application of Timothy J. Lee, Esq., Applicant, Woodmere Development, LLC, Owner, relative to 320 Middletown Avenue, aka 190 Montowese Avenue, (Map 17, Lot 102), per Section 2.4.1.1(a), requesting a side/rear yard variance of 25' to permit a 25' side/rear yard setback where 50' is required. EH Zoning District.

Attorney Timothy Lee of Fasano, Ippilito & Lee presented the application. The variance request was modified from a 25' variance to a 12' variance to permit a 38' side/year yard setback where 50' is required to allow existing decks to remain where they were constructed. He stated that the slope of the property is the hardship. Buildings 2 & 3 require a 12' variance and Buildings 4 & 5 require a 10' variance. The Board asked questions and Attorney Lee responded.

Mr. Hannon asked for public comment.

Public comment:

1. Vanessa Rutledge, 29 & 35 Sherman Terrace, feels the builder should be held accountable for decks being built instead of patios.
2. Debbie Keyes, 41 Sherman Terrace, is not opposed to the existing decks. She stated that she wanted to have a 50' buffer and asked if there would be any recourse for the builder not adhering to the rules.
3. Marie Prete, Pond View Circle, Unit #5, stated that all the units have decks and doesn't want them to be taken down.
4. JoAnn Avalone, Pond View Circle, Unit #5, stated that she was not aware of decks not being on the plan.
5. John Nerkowski, Pond View Circle, Unit #3, doesn't feel that the developer built the decks intentionally because the drawing's weren't clear and the decks were inspected and approved by the town.
6. Richard Ziemba, Pond View Circle, Unit #8, stated that he is a victim in this situation and assumed that the builder and the town followed appropriate procedure.
7. Pat Ferraro, Pond View Circle, Unit #1, stated that the Public Offering Statement shows decks and the Association approved the decks. He said his building was the first to have decks and the other residents thought they could have them too.
8. John Grignano, Pond View Circle, Unit #7, said he was never aware that a patio was supposed to be built instead of a deck. He stated that it would be very costly to replace his deck with a patio.
9. Robert Fiondella, 217 Montowese Avenue, asked if sidewalks were going to be installed and is concerned with the condition of the site.
10. Rick Vizziello of 8 Pez Court and developer of Pond View Estates, thought the 10'x 10' decks were within his approval and stated that 12' x12' decks were also built at extra cost to the owner.

Mr. Fredricksen responded to the public comment.

There being no further public comment, the Public Hearing was closed.

BREAK: 9:00 PM – 9:10 PM

DELIBERATION SESSION:

2. #10-04 Application of William L. Krinsky, Owner and Applicant, relative to 5 Norway Road.

Mrs. Mulligan moved to approve the application; Mr. Villano seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Mulligan – aye

The Board stated the following:

1. The variance is granted with the health, safety and wellbeing of the owner being the hardship.
3. #10-05 Application of Locust Realty Associates, LLC, Owner and Applicant, relative to 48 Giles Avenue.

Mrs. Genovese moved to approve the application; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Mulligan – aye

In granting the variance, the Board stated the following:

1. The hardship is the grade & configuration of the lot.
 2. The variance is limited to a one story building only.
4. #10-06 Application of Timothy J. Lee, Esq., Applicant, Woodmere Development, LLC, Owner, relative to 320 Middletown Avenue, aka 190 Montowese Avenue.

Mrs. Genovese moved to continue the deliberations to the April 15, 2010 meeting; Mr. Clark seconded the motion. The Board voted as follows:

Hannon – aye Genovese – aye Clark – aye Villano – aye Mulligan – aye

OTHER: None

CEASE AND DESIST ORDERS:

Mr. Arthur Hausman, Zoning Enforcement Officer discussed recent violations with the Board.

500 Quinnipiac Avenue – commercial vehicle violation.

The violator was informed that the commercial vehicle must be removed. This issue may now have to involve the town attorney.

MINUTES:

February 18, 2010

Mrs. Genovese moved to approve the minutes of the February 18, 2010 meeting; Mr. Villano seconded the motion; the Board members voted as follows:

Genovese - aye Clark – aye Villano – aye Mulligan – aye

CORRESPONDENCE: Connecticut Federation of Planning & Zoning Agencies,
Quarterly Newsletter, Winter 2010.

ADJOURN:

There being no further business, Mrs. Genovese moved to adjourn; Mr. Villano seconded the motion; the Board unanimously approved the motion. The meeting was adjourned at 9:37 PM.